

Appl. No. 10/822,370; Filed April 12, 2004  
Amendment Dated September 21, 2007  
Reply to Office Action of August 9, 2007

Terminal Disclaimer 37 CFR§1.321(c)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: **John Shanklin, et al.**

Application No.: **10/822,370**

Examiner: **T. Saidha**

Filing Date: **April 12, 2004**

Art Unit: **1652**

Confirmation No.: **2864**

Attorney Docket No.: **BSA 04-11**

Title: **MUTANT FATTY ACID DESATURASE AND METHODS FOR  
DIRECTED MUTAGENESIS**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER  
TO OBVIATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(c))**

**1. Identification of Person Making this Disclaimer (Disclaimant)**

I, Christine L. Brakel

represent that I am

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of the assignee identified below.
- ☒ an agent of record for this invention.

**2. Identity of Assignee**

The assignee of this invention is: Brookhaven Science Associates, having an address at: PO Box 5000,  
Upton, NY 11973.

### 3. Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns or represents is in:

- ☒ the whole of the invention.
- ☐ a sectional interest in this invention, as follows:

### 4. Recordation of Assignment in USPTO

- ☒ The assignments of the above-identified interest were recorded in the USPTO on 8/30/2004, at Reel/Frame 015735/0864;
- ☐ Authorization for recordation of an assignment of the above-identified interest is attached hereto, together with a separate assignment document cover sheet (Form PTO 1595).

### 5. Establishing Right of Assignee to Take Action

- ☐ Attached is a Certificate Under 37 CFR 3.73(b) establishing the right of the assignee to take action in this case.

### 6. Disclaimer

The terminal part of the statutory term of any patent granted on the present application identified above, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

- ☒ United States Patent No. **5,705,391**, as presently shortened by any terminal disclaimer, and
- ☒ United States Patent No. **6,100,091**, as presently shortened by any terminal disclaimer.

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the present application shall be enforceable only for, and during, such period that the legal title to the patent granted on the present application shall be the same as the legal title to the specified patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the present application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent specified herein in the event that the latter patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter, or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title identified above.

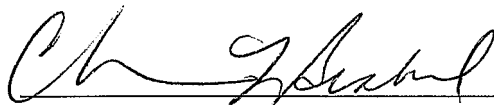
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7. Please charge Deposit Account **02-3977** for any deficiency, or credit same for any overpayment.

**8. Declaration**

[ ] As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Signature of Agent of Record  
Christine L. Brakel, Ph.D.  
Registration No. 45,772

Date: September 21, 2007

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